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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and Freedom of Religion or Belief in Bangladesh

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), thanks the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, for undertaking a country visit to Bangladesh in September 2015 and for his substantial and detailed findings on freedom of religion or belief in the country. As highlighted in the Special Rapporteur's initial findings, minority groups in Bangladesh continue to face discrimination in the law, in civil society and in treatment by enforcement agencies. We welcome the Special Rapporteur's report and express our condemnation of violent attacks and violations of the right to freedom of religion or belief that took place in 2015. Last year's multiple attacks on Shia mosques, Hindu temples and threats to Christian church leaders are reflective of the ongoing struggles for religious minorities in Bangladesh. Limits on freedom of expression are also concerning, as shown by attacks on bloggers and publishers, and the misuse of various laws: incidents which are on the rise both in terms of number and severity.

Political unrest led to repeated cycles of violence in 2013, 2014 and early 2015 as religious minorities and secular activists became the victims of intimidation and attacks by radical opposition party members. The Hindu community, traditionally associated with support of the Awami League, was threatened by the opposition Bangladesh Nationalist Party and its ally Jamaat-e-Islami, and Hindus were attacked in bouts of post-poll violence. According to information received from the Bangladesh Hindu Buddhist Christian Unity Council, an estimated 495 Hindu homes were damaged, 585 shops were attacked or looted, and 169 temples were vandalised in election-related violence.

Legislation

While we commend Bangladesh's introduction of a National Human Rights Commission in 2010, we are extremely concerned by new and revised laws that impede freedom of expression, limiting the space for civil dissent. The violent chain of attacks that resulted in the death of four bloggers and one publisher in 2015 alone is an appalling affront on free speech and any critical voice in Bangladesh, and a very worrying sign of the fate ahead for anyone holding or expressing an opinion contrary to the state religion of Islam. This is despite the secular status of the country enshrined in Article 12 of the 1972 constitution, a conflict noted in the Special Rapporteur's findings. Bangladesh's Inspector General of Police, AKM Shahidul Hoque, responded to the murder of blogger Niloy Chatterjee in August 2015 with a concerning reminder that "Hurting religious sentiment is a crime according to our law."

We are concerned that the newly proposed Cyber Security Act 2015 will further tighten the authorities' control over freedom of expression, going beyond the existing Information and Communication Technology (ICT) (Amendment) Act 2013, which already criminalises defamatory and 'anti-State' publications, and has been used to target human rights defenders. Section 295A of the Bangladesh Penal Code and Article 57 of the ICT mandate imprisonment for 'hurting religious sentiments', the clause referred to by the Inspector General of Police. The draft Cyber Security Act imposes a maximum imprisonment of 20 years for cyber-terrorism, reflecting the trend towards a legislative clamp down on freedom of expression. These laws run contrary to Bangladesh's obligation to protect freedom of expression as enshrined in Article 19 of the International Covenant on Civil and Political Rights, to which Bangladesh is party, as well as Article 39 of the Bangladesh constitution.

Attacks on religious minorities

Discrimination in Bangladesh is not limited to one minority group, but affects groups and individuals of various beliefs and none. The Christian community is certainly not exempt. On 25 November 2015 Reverend Barnabas Hembrom, pastor of Rangpur Baptist Mission, and nine other pastors in the district received three anonymous letters threatening to kill them for 'preaching Christianity in Bangladesh.' A minister from the Church of God has also suffered a number of serious threats to his life, resulting in his forced displacement and constant police protection. While the government has promised extra security to those facing severe intimidation, it should take more effective and holistic action to eliminate the underlying motives for these threats and to combat the growing fundamentalist voices threatening freedom of religion or belief in Bangladesh.

Also on 25 November 2015, in southern Bangladesh two young men viciously attacked Alok Sen, the general secretary of the Hindu-Buddhist-Christian Oikya Parishad community. The two men used sharp weapons that left Mr Sen hospitalised with cuts to his hands and legs. On 18 November 2015 Piero Palorai, an Italian doctor and pastor at a

Dinajpur church was injured in a gun attack, less than two weeks after an attempt on the life of Reverend Luke Sarker in Pabna on 5 October. Jubilee Campaign together with CSW is very concerned by these threats to the lives of Christian leaders.

The minority Shia community in Bangladesh is also facing increased and new forms of threats. On 26 November 2015 attackers entered a Shia mosque in the Bogra district during evening prayers and opened fire, killing Moazzem Hossain, the mosque's muezzin, and injuring a number of worshippers. The incident came a month after the 26 October grenade attack on a Shia shrine in the capital city of Dhaka, which killed one and reportedly injured about 80 people.

The Hindu community of Bangladesh also continues to face significant levels of discrimination and ongoing sporadic attacks. On 5 December 2015 celebrations of the Hindu festival Rushmela were targeted when an explosion injured spectators enjoying folk theatre. Just days later, on 10 December, an attack on a Hindu temple in Bahuchi village in Kaharol Upazila in Dinajpur killed nine people.

Religious minorities including the Hindu community in Bangladesh are vulnerable to gender-based violence, with evidence of repeated cases of rape, forced marriage and conversion victimising underage girls. While the cases themselves are extremely worrying, the government's discourse surrounding child marriage must further be highlighted as an area of particular concern. In direct contradiction to her earlier claim that the Awami League would ensure an end to child marriage, Sheikh Hasina's government has drafted the Child Marriage Restraint Act 2014 with a subsection that proposed a provision permitting girls from age 16 to marry under 'special circumstances', referring to situations when a girl has allegedly eloped with a man and refuses to return, or becomes pregnant before marriage.

Land grabbing

Despite the repealing of the Enemy Property Act which had historically been used to systematically strip Hindus of their rights to property, land grabbing remains a serious issue in Bangladesh, with religious minorities suffering daily from land insecurity. While the law was initially formulated as overt discrimination against Hindus, a multitude of minority groups now suffer land grabbing – an issue that consumes the nation's court system. According to the Association of Land Reform and Development, about 75% of the estimated 3 million pending court cases in Bangladesh are related to land disputes. As highlighted in the Special Rapporteur's initial report, return of lost property continues to be problematic. Thus far the compensation for and return of land promised by the Vested Properties Return (Second Amendment) Bill 2012 is wholly inadequate, leaving communities still under threat and unable to reclaim their lost land.

Recommendations to the Human Rights Council

- Urge Bangladesh to repeal the draft subsection to the Child Marriage Restraint Act which would permit marriage of children as young as 16 under 'special circumstances'
- Urge Bangladesh to revise Article 57 of the Information Communication and Technology Act in order to put an end to its misapplication to minorities and vulnerable groups
- Urge Bangladesh to speak out against religiously-motivated violence and to offer government protection for threatened bloggers, writers, publishers and church leaders, and to conduct full investigations into all attacks and murders, ensuring justice for victims
- Urge Bangladesh to uphold the country's secular status enshrined in the constitution, to protect religious minorities from any further religiously-motivated violence
- Call on the government of Bangladesh to adhere to their election promise to fully implement the 1997 Chittagong Hill Tracts (CHT) peace accord, ensuring more holistic rights to the indigenous communities located in the CHT
- Call on Bangladesh to respond to land grabbing with return of property as per the Vested Property Return Act
- Call on the international community to hold Bangladesh to account regarding its obligation to respect international covenants it has ratified, which protect freedom of expression and freedom of religion or belief.

Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.